

DRIVER'S LICENSE FAILING SKILL TESTING RULE (Rule 2)

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SECTION 1: PURPOSE

The purpose of these Rules is to define driver's license skill testing offenses and penalties for a failed exam as provided by Ark. Code Ann. §27-16-705(c).

SECTION 2: AUTHORITY

These rules are promulgated pursuant to the authority of the Director of the Department of the Arkansas State Police (Department) under Ark. Code Ann. § 27-16-705 (c) and §25-15-201, et seq.

SECTION 3: DEFINITIONS

A person fails the driver's license skill test for a non-serious or serious offense; the person committed an offense of:

A. Non-Serious Offense(s): First Occurrence with Warning

- Improper Backing (1st Offense)
ACA §27-50-408(4)(e)(16)
- Improperly Entering the Roadway (1st Offense)
ACA §27-51-401 (1)(2)(3)(A)(B)
- Failure to Obey Stop Sign (Incomplete Stop, 1st Offense)
ACA §27-50-408(e)(9)
- Other Signs (School Zone and Speed Limit)
ACA §27-50-408(4)(e)(9)
- Inattentive Driving (1st Offense)
ACA §27-51-104(b)(8)
- Improper Turns (Wide or Fast, 1st Offense)
ACA §27-51-408(e)(16)

- Following Too Closely (1st Offense)
ACA §27-51-305
- Improper Lane Usage/Lane Change (1st Offense)
ACA §27-50-408(4) (e)(17) & §27-51-104(a)(1)

B. Serious Offense(s): Second Occurrence or Automatic Failure

- Failure to Obey Stop Signs (Ran Stop)
ACA §27-50-408(e)(9)
- General Control
ACA §27-51-104(b)(6)
- Improper Lane Usage/Lane Change (2nd Offense)
ACA §27-50-408(4) (e)(17) & §27-51-104(a)(1)
- Going the Wrong Way
ACA §27-50-408(e)(13)
- Failure to Yield to Oncoming Traffic
ACA §27-51-601(3)(e)
- Inattentive Driving (2nd Offense)
ACA §27-51-104(b)(8)
- Improper Use of Signals
ACA §27-51-403(b)
- Improper Turns
ACA §27-51-408(e)(16)
- Following Too Closely (2nd Offense)
ACA §27-51-305
- Failure to Obey Speed Control
ACA §27-50-408(4)(e)(24)
- Failure to Obey Traffic Lights (Ran Red Light)
ACA §27-50-408(4)(e)(9)

- Failure to Obey Other Signs (Yield, Railroad Crossing, Pedestrian Crossing)
ACA §27-50-408 (4)(e)(9)
- Improper Backing (2nd Offense)
ACA §27-50-408(4)(e)(16)
- Entering Roadway (2nd Offense)
ACA
§27-51-401(1)(2)(3)(A)(B)
- Failure to Obey Stop Signs (Rolled Stop 2nd)
ACA §27-50-408(e)(9)

C. Serious Offense: Automatic Failure

- Passing Stopped School Bus with its Lights Flashing
ACA §27-16-401
- Failed to Yield for an Emergency Vehicles using its flashing lights
ACA §27-51-901
- Improperly passing of Stopped Law Enforcement Vehicle on the highway with lights flashing
ACA §27-51-310
- Improper Parking in Handicapped Parking Space
ACA §27-15-305
- Applicant Drove the Vehicle to the Testing Site without a Licensed Driver
ACA §27-16-602
- Violation of the Arkansas Cell Phone Law
ACA §27-51-1607(a)(1)(b)
- Accident (At Fault)
ACA §27-50-803

SECTION 4: PROCEDURES

- A. Any person violating any portion of Section 3(A) of these Rules on the first offense will receive a verbal warning
- B. Any person violating any portion of Section 3(B) of these Rules on the second offense will receive a two (2) week penalty unless the violation warrants an automatic failure.
- C. Any person violating any portion of Section 3(C) of these Rules will receive a mandatory thirty (30) day penalty.
- D. The Department will electronically record all offenses and penalties.

SECTION 5: EFFECTIVE DATE

The effective date of these Rules is _____

SECTION 6: SEVERABILITY

Any section or provision of these Rules held by a court to be invalid or unconstitutional will not affect the validity of any other section or provision of these Rules.

COLONEL STAN WITT
DIRECTOR, ARKANSAS STATE POLICE

DATE